THE HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.17471 of 1997

DATED: 14.03.2007

Between:

D. Venkateswarlu .. Petitioner

And

The Regional Manager, A.P.S.R.T.C.
Prakasam Region, Ongole,
Prakasham District and others .. Respondents

THE HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.17471 of 1997

ORDER:

This Writ Petition is filed questioning the order of suspension vide proceedings No.Steno/114(3)/97-RM 'O', dated 17.07.1997, passed by the Depot Manager, A.P.S.R.T.C., Addanki Depot-4th respondent herein, pending enquiry.

2. This Court, on 08.08.1997, granted interim suspension of the impugned order. When the Writ Petition was posted on 28.02.2007 for hearing, the learned counsel for the petitioner sought for time to ascertain the present position, in view of the fact that there was no order staying the departmental enquiry. Again on 01.03.2007, a similar request was made, which was accepted, and the Writ Petition was adjourned to enable the learned counsel to ascertain the present position. Even on 02.03.2007, the Writ Petition was adjourned for this purpose. Today, the learned counsel is unable to report about the present position. In view of the fact that there was no stay of holding of departmental enquiry against the petitioner in the Writ Petition and ten years have elapsed from the time of initiation of the same proceedings, it is reasonable to presume that the departmental proceedings would have ended. Since the Writ Petition is filed questioning the order of suspension pending enquiry, it is presumed that the Writ Petition has become infructuous. Even otherwise also, the Writ Petition is liable to

be dismissed.

3. It is well settled legal position that suspension pending enquiry is not a punishment and to facilitate proper enquiry, an employee is kept away from the duty by placing him under suspension. Therefore, the impugned order in the Writ Petition cannot be said to suffer from any illegality. It is not the case of the petitioner that the authority, which suspended him, has no authority to do so. Therefore, I do not find any merits in the Writ Petition and it is liable to be dismissed on this ground also.

4. For the aforementioned reasons, the Writ Petition is dismissed. No costs.

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(**C.V.NAGARJUNA REDDY,J)**

14th March, 2007.
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